

IAP12 Rec'd PCT/PTO 25 MAY 2007

PATENT

Attorney Docket No.: 02307K-159700US

UCLA Case No.: 2003-525-2

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On May 21, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Karlin

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

David T.W. Wong et al.

Application No.: 10/589,788

Filed: International Filing Date: February 17, 2005

For: SALIVARY mRNA PROFILING,  
BIOMARKERS AND RELATED  
METHODS AND KITS OF PARTS

Customer No.: 20350

Confirmation No.: 2289

Examiner: Not yet assigned

Art Unit: Not yet assigned

**TRANSMITTAL LETTER –  
RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED  
STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US)**

Attn.: Mr. Darrell C. Cottman  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated February 27, 2007, enclosed are the following to be made of record in the above-identified application:

- 1) Petition to Extend Time
- 2) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

- 3) Executed Declaration (3 pages)
- 4) Preliminary Amendment
- 5) Communication Under 37 C.F.R. §§ 1.821-1.825 and Preliminary  
Amendment with disk and 11 pages of sequence listing

Fees

Please charge the additional fees owing in response to this Notification as set out in the Notification. Please note that although this application was originally filed as a large entity, it does, in fact, qualify as a small entity as it is a university.

The Commissioner is hereby authorized to charge any additional fees associated with this paper, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

  
Annette S. Parent  
Reg. No. 42,058

**Customer No. 20350**

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61056453 v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

02307K-159700US  
 4SP uc /cc: DMW, ST  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,788	David T.W. Wong	02307K-159700US
INTERNATIONAL APPLICATION NO.		
PCT/US05/05263		
I.A. FILING DATE	PRIORITY DATE	
02/17/2005	02/20/2004	

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP.  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

*Response Due 04/27/07*  
*Seq. Reg. 04/27/07*

Date Mailed: 02/27/2007

CONFIRMATION NO. 2289  
 371 FORMALITIES LETTER



\*OC00000022642264\*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/16/2006
- Copy of the International Search Report filed on 08/16/2006
- Request for Immediate Examination filed on 08/16/2006,
- U.S. Basic National Fees filed on 08/16/2006
- Specification filed on 08/16/2006
- Claims filed on 08/16/2006
- Abstracts filed on 08/16/2006
- Drawings filed on 08/16/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$400 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

*See*

Total additional fees required for this application is \$170 for a Large Entity:

- **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is \$ 400

- \$400 for 7 independent claims over 3.

(A previous payment of \$360 will be applied to the additional fees indicated above.)

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DARRELL C COTTMAN

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Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,788	PCT/US05/05263	02307K-159700US

FORM PCT/DO/EO/905 (371 Formalities Notice)